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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	Rosenblum, <i>et al.</i>	§	ART UNIT:
		§	1642
FILED:	May 26, 1999	§	
		§	EXAMINER:
SERIAL NO.:	09/320,156	§	Canella, K.
		§	
FOR:	Immunotoxins Directed Against	§	DOCKET:
	c-erbB-2 (HER-2/Neu) Related	§	D5425CIP2
	Surface Antigens	§	

Assistant Commissioner of Patents  
Box Non-Fee Amendment  
Washington, D.C. 20231

DECLARATION OF DEPOSIT

Dear Sir:

I, Dr. Benjamin A. Adler, do hereby depose and say as follows:

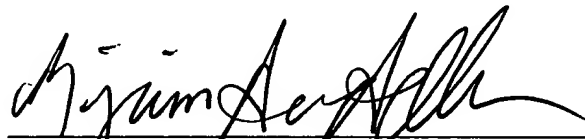
1. I am an attorney of record for U.S. Ser. No. 09/320,156, filed May 26, 1999.

2. The biological material which is deposited in the American Type Culture Collection, 10801 University Blvd., Manassas, VA 20110-2209, and that has been assigned ATCC Designation PTA-2845, is plasmid 23-3825, which is the plasmid encoding the scFv-23 single chain antibody identified specifically in U.S. Ser. No. 09/320,156 as filed. The date ATCC Designation PTA-2845 was received by the ATCC was December 21, 2000.

The deposit was made on behalf of the M. D. Anderson Cancer Center, and was tested and determined viable on January 4, 2001.

3. I hereby declare that all statements herein of my own knowledge are true, that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Date: June 14, 2001



Benjamin Aaron Adler, Ph.D., J.D.  
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# ATCC

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BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF  
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

**INTERNATIONAL FORM**

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3  
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

MD Anderson Cancer Center  
Attn: Michael G. Rosenblum Ph.D.  
1515 Holcombe Blvd., Box 44  
Houston, TX 77030

Deposited on Behalf of: Michael G. Rosenblum, Ph.D.

Identification Reference by Depositor:  
Plasmid: 23-3825

Patent Deposit Designation  
PTA-2845

The deposit was accompanied by: ☐ a scientific description ☐ a proposed taxonomic description indicated above.

The deposit was received December 21, 2000 by this International Depository Authority and has been accepted.

AT YOUR REQUEST: ☒ We will inform you of requests for the strain for 30 years.

The strain will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strain, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strain.

If the culture should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace it with living culture of the same.

The strain will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the culture cited above was tested January 4, 2001. On that date, the culture was viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

  
Tanya Nunnally, Patent Specialist, Patent Depository

Date: January 31, 2001

cc: Dr. Benjamin Adler  
(Ref: Docket or Case No.: D5425CIP2)